

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,)

10 Plaintiff,)

CR-10-6026-RHW

11 vs.)

12 PAUL F. KEMPF,)

13 Defendant.)

Final Order of Forfeiture

14
15 WHEREAS, on November 9, 2011, the Court entered an Amended Preliminary
16 Order of Forfeiture, preliminarily forfeiting to the United States the following
17 described assets:

18 Conveyances/Auto Parts

19 -1966 Chevrolet Nova with vehicle identification number
20 11837GR104374, and/or any additional vehicle identification
21 numbers associated with the vehicle being restored by Pro-Tech Auto
in Kennewick, Washington; and,

22 -Any additional parts Defendant purchased for the restoration of the
23 1966 Chevrolet Nova.

24 WHEREAS, Defendant PAUL F. KEMPF's interest in the assets was forfeited to the
25 United States pursuant to the Plea Agreement and amended judgment filed herein. ECF
26 Nos. 166 and 195.

27 WHEREAS Fed. R. Crim. P. 32.2 requires the resolution of all third party claims to
28 the property in the final order of forfeiture.

1 Notice of Criminal Forfeiture was posted on an official government internet site
 2 (www.forfeiture.gov) for at least 30 consecutive days, beginning March 2, 2012, through
 3 April 1, 2012. ECF No. 203, 203-1, and 203-2. At the latest, the claim period expired on
 4 May 1, 2012. To date, no claims or petitions have been received or filed.

5 WHEREAS, upon review, the United States discovered clerical errors in the
 6 Amended Preliminary Order of Forfeiture and has moved for the correction of the
 7 errors in the Final Order of Forfeiture, as follows:

- 8 1) the statutory authority for the forfeiture of the assets is “18 U.S.C. §
 9 981(a)(1)(C) and 28 U.S.C. § 2461(c)”;
- 10 2) the correct VIN for the 1966 Chevrolet Nova is “118376N104374”, not
 11 “11837GR104374” (emphasis added). The Nova’s correct VIN was listed in
 12 the notice published online, and there were no potential claimants requiring
 13 direct notice.

14 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the assets
 15 described below, are hereby forfeited to the United States, pursuant to 18 U.S.C. §
 16 981(a)(1)(C) and 28 U.S.C. § 2461(c), and no interest exists in any other person or entity;

17 Conveyances/Auto Parts

18 -1966 Chevrolet Nova with vehicle identification number
 19 118376N104374, and/or any additional vehicle identification numbers
 associated with the vehicle being restored by Pro-Tech Auto in
 Kennewick, Washington; and,

20 -Any additional parts Defendant purchased for the restoration of the
 21 1966 Chevrolet Nova.

22 IT IS ORDERED that the Motion for Forfeiture of Property, ECF No. 205 is
 23 **GRANTED.**

24 ///

25 ///

26 ///

27 ///

1 IT IS FURTHER ORDERED that the United States shall dispose of the assets in
2 accordance with law.

3 The Court shall retain jurisdiction to enforce this Order, and to amend it as
4 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

5 ORDERED this 15th day of November, 2013.

6
7 s/Robert H. Whaley
8 Robert H. Whaley
Senior United States District Judge

9 Presented by:

10 Michael C. Ormsby
United States Attorney

11 s/James A. Goeke

12 James A. Goeke
Assistant United States Attorney